

HOUSE BILL 2291
By Ritchie

AN ACT to amend Tennessee Code Annotated, Section 8-36-111 and Section 26-2-104, relative to the assignment of marital property under a qualified domestic relations order.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-111, is amended by adding at the beginning of the section the language, "Except as provided in §26-2-104,".

SECTION 2. Tennessee Code Annotated, Section 26-2-104(a), is amended by deleting the subsection and substituting instead the following:

All moneys received by a resident of the state, as pension from the state of Tennessee, or any subdivision or municipality thereof, before receipt, or while in his hands or upon deposit in the bank, shall be exempt from execution, attachment or garnishment except for:

- (1) An order for assignment of support issued under § 36-5-501, whether such pensioner is the head of a family or not; or
- (2) An order assigning rights to marital property which is issued under §36-4-121; or
- (3) Any combination of such orders.

SECTION 3. Tennessee Code Annotated, Section 26-2-104(c), is amended by deleting the first sentence and by substituting instead the following:

Any plan or arrangement described in subsection (a) or (b), is not exempt from the claims of an alternate payee under a qualified domestic relations order.

SECTION 4. Tennessee Code Annotated, 26-2-104(b), is amended in the first sentence by deleting the language “and 408” and substituting instead the language “or 408”.

SECTION 5. This act shall take effect on June 1, 1996, the public welfare requiring it.

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